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*Attorneys for Plaintiffs*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
[MODESTO DIVISION]

In re:

Case No. 19-90003-E-7

**NATHAN BENJAMIN DAMIGO,**

## STATUS REPORT

Debtor.

15 | Chapter Number: 7

**ELIZABETH SINES, SETH  
WISPELWEY, MARISSA BLAIR,  
TYLER MAGILL, APRIL MUNIZ,  
HANNAH PEARCE, MARCUS  
MARTIN, NATALIE ROMERO,  
JOHN DOE, AND CHELSEA  
ALVARADO.**

## Plaintiffs,

V.

## NATHAN BENJAMIN DAMIGO.

**Defendant.**

Adv. Pro. No. 19-09006-E

## STATUS CONFERENCE

Date: October 10, 2024

Time: 2:00 p.m.

Dept.: E

## STATUS REPORT

Elizabeth Sines, Seth Wispelwey, Marissa Blair, Tyler Magill, April Muniz, Hannah Pearce, Marcus Martin, Natalie Romero, John Doe, and Chelsea Alvarado (the “*Plaintiffs*”) respectfully submit this Status Report pursuant to the Court’s May 9, 2024 Order Continuing Status Conference (the “*Continuance Order*”) (Dkt. No. 61), which set a status conference for October 10, 2024, and required the parties to file updated status reports on or before October 1, 2024.

Pursuant to the Complaint (the “***Complaint***”) filed commencing this adversary proceeding (the “***Adversary Proceeding***”), Plaintiffs seek a determination that the amount(s) of the damages arising from numerous claims asserted in Plaintiffs’ lawsuit against Nathan Damigo (the “***Defendant-Debtor***”) in the United States District Court for the Western District of Virginia (the “***Virginia District Court***”), Case No. 3:17-cv-00072-NKM (the “***Charlottesville Action***”) are non-dischargeable pursuant to section 523(a)(6) of Title 11 of the United States Code. On February 18, 2019, this Court entered an order (the “***Stay Order***”), staying all proceedings in this Adversary Proceeding, and extending the Defendant’s time to respond to the Complaint, pending further order of the Court.

The Virginia District Court trial commenced on October 25, 2021. A jury verdict in the Charlottesville Action was reached as to certain causes of action and defendants, including the Defendant-Debtor, on November 23, 2021. Specifically, the jury verdict found the Defendant-Debtor liable to Plaintiffs for Virginia state law civil conspiracy and awarded compensatory and punitive damages of at least \$500,000. The jury did not reach a verdict on certain federal causes of action.

Since the time the Court entered the Continuance Order, the Virginia District Court affirmed the jury verdicts and both the plaintiffs and defendants in the Charlottesville Action filed notices of appeal with the United States Court of Appeals for the Fourth Circuit. The appeals were fully briefed, oral argument was held, and the Court of Appeals issued a decision on July 1, 2024 affirming in part, vacating in part, and remanding with instructions back to the Virginia District Court. The parties are awaiting the Virginia District Court to enter a final judgment.

Given the foregoing, including an expectation that the Virginia District Court will issue a final judgment within the next two months, the Plaintiffs request and respectfully ask the Court to continue the Status Conference until late January 2024, a point at which the parties may have more information

1 on the conclusion of the Virginia District Court case.

2 Dated: September 26, 2024

Respectfully submitted,

3 COOLEY LLP

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5 By: /s/ Robert L. Eisenbach III

6 Robert L. Eisenbach III

7 Attorneys for Plaintiffs

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1                           **PROOF OF SERVICE**  
2                           **(FRCP 5)**

3                           I am over the age of eighteen years, and not a party to the action. My business address is  
4 Cooley LLP, 3 Embarcadero Center, 20<sup>th</sup> Floor, San Francisco, California 94111. On the date set  
5 forth below I served the documents described below on the following parties in this action in the  
6 manner described below at the direction of a member of the bar of this Court:

7                           •     **STATUS REPORT**

8                            (BY U.S. MAIL) I am personally and readily familiar with the business practice of  
9 Cooley LLP for collection and processing of correspondence for mailing with the  
10 United States Postal Service, and I caused such envelope(s) with postage thereon  
11 fully prepaid to be placed in the United States Postal Service at San Francisco,  
12 California.

13                           **Nathan Benjamin Damigo**  
14                           14773 Orange Blossom Rd  
15                           Oakdale, CA 95361  
16                           *(Debtor)*  
17                           PRO SE

18                            (BY CM/ECF NOTICE OF ELECTRONIC FILING) I caused said document(s) to  
19 be served by means of this Court's electronic transmission of the Notice of  
20 Electronic Filing through the Court's transmission facilities, to the parties and/or  
21 counsel who are registered CM/ECF Users set forth in the service list obtained  
22 from this Court.

23                           **Gary Farrar**  
24                           gary@farrartrustee.com  
25                           gfarrar@ecf.epiqsystems.com  
26                           P.O. Box 576097  
27                           Modesto, CA 95357  
28                           *(Trustee)*

29                           **Office of the U.S. Trustee**  
30                           ustprregion17.sc.ecf@usdoj.gov  
31                           Robert T Matsui United States Courthouse  
32                           501 I Street, Room 7-500  
33                           Sacramento, CA 95814  
34                           *(U.S. Trustee)*

35                           Executed on September 26, 2024.

36                             
37                           Mollie Canby